

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CORPORAL DANIEL KLINE, <i>et al.</i> ,)	
)	
Plaintiffs,)	Civil Action No. 06-642
)	
v.)	Judge Flowers Conti
)	Magistrate Judge Caiazza
ALAN VALENTIC, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

On May 18, 2006, this case was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

On November 21, 2006, the magistrate judge issued a Report (Doc. 30) recommending that the State Defendants' Motion to Dismiss (Doc. 24) be granted in part and denied in part, as described in the Report. Service of the Report and Recommendation was made on the parties, and the Plaintiff filed objections on December 7, 2006. *See* Doc. 31.

After a *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation and the objections thereto, the following Order is entered:

AND NOW, on this 21st day of December, 2006, IT IS HEREBY ORDERED that the Defendants' Motion to Dismiss (**Doc. 24**) is **GRANTED IN PART** and **DENIED IN PART**, as follows. As to the State Defendants, the Plaintiff's First Amendment, procedural due process, civil conspiracy, state law claims, and the claims asserted by Plaintiff Lisa Kline are **DISMISSED WITH PREJUDICE**. It is further ORDERED that opposing counsel, the Klines, the Valentics,

and a representative of the State Defendants shall appear before the magistrate judge, at a time scheduled by order of Judge Caiazza, to discuss an amicable resolution of this case. Should the case not be resolved, the magistrate judge will order the Plaintiff to amend Count IV of the Complaint, making last and best efforts to state viable claim(s) of reverse-race discrimination. No further opportunities for amendment will be afforded, and counsel otherwise shall adhere to the instructions stated in the magistrate judge's Report.

The Report and Recommendation of Magistrate Judge Caiazza dated November 21, 2006 is hereby adopted as the opinion of the District Court.

/s/ Joy Flowers Conti
Joy Flowers Conti
United States District Judge

cc:

Don Bailey, Esq.
Sheri D. Coover, Esq.
Arnold Y. Steinberg, Esq.
Robert A. Willig, Esq.